0UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:18-cv-00273-FDW

JAMES DAVID NANNEY,)	
Petitioner,)	
VS.)	<u>ORDER</u>
ERIC A. HOOKS,)	
Respondent.))	

THIS MATTER is before the Court upon James David Nanney's filing titled "Motion for a Release from Prison[,] Charges Against Roy Cooper Governor Defendant. Carlos Hernandez Defendant. Attempted Murder, Kidnapping, Attempted Rape." (Doc. No. 9.)

Petitioner is a prisoner of the State of North Carolina whose Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. No. 4), was dismissed as untimely and denied as meritless by this Court on November 29, 2018 (Doc. Nos. 7, 8). Petitioner signed the instant Motion on November 20, 2018; it was received by the Clerk of Court on November 26, 2018, and docketed on November 29, 2018, after judgment was entered. (Doc. No. 9.)

In the Motion, Petitioner alleges "on or about June 1, 2017 plan kidnapping by Mr. Carlos Hernandez and his prison gang officers; "on 8-30-18 plan attempted murder by refusing medical treatment for Flu," and "on 11-7-18 plan attempted rape for not issuing nothing but t-shirts and boxers, to Plaintiff James David Nanney and closing up clothshouse." (Doc. No. 9) (spelling and grammatical errors in original). None of these allegations challenge the validity of Petitioner's criminal judgment. Therefore, they are irrelevant to his § 2254 habeas action.

Furthermore, notwithstanding his reference to himself as "Plaintiff," Petitioner has not filed a civil complaint in this District since 1997, see Nanney v. Bernet, et al., No. 4:97-cv-

00097-GCM; Nanney v. Tate, et al., No. 4:97-cv-00164-GCM; Nanney v. NC Dept of Corr, et al., No. 4:97-cv-00170-GCM; Nanney v. Burnette, et al., No. 4:97-cv-00172-GCM, and Roy Cooper and Carlos Hernandez are not defendants in this action. The Court will dismiss the instant Motion without prejudice to Petitioner's ability to file a civil complaint related to these allegations.

IT IS, THEREFORE, ORDERED that the filing titled "Motion for a Release from Prison[,] Charges Against Roy Cooper Governor Defendant. Carlos Hernandez Defendant. Attempted Murder, Kidnapping, Attempted Rape" (Doc. No. 9) is **DISMISSED** without prejudice.

Signed: November 30, 2018,

Frank D. Whitney

Chief United States District Judge